



General Assembly

January Session, 2003

Amendment

LCO No. 6522

HB0669906522HD0

Offered by:

REP. LAWLOR, 99th Dist.

To: House Bill No. 6699

File No. 612

Cal. No. 427

**"AN ACT CONCERNING THE REVISOR'S 2003 TECHNICAL
CORRECTIONS TO THE GENERAL STATUTES."**

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- 1 In line 1578, before "drug" insert "any"
- 2 After the last section, add the following and renumber sections and
3 internal references accordingly:
- 4 "Sec. 501. Section 8-119x of the general statutes is repealed and the
5 following is substituted in lieu thereof (*Effective from passage*):
- 6 The Commissioner of Economic and Community Development
7 shall, in consultation with the Department of Social Services, the State
8 Building Inspector, the Office of Protection and Advocacy for Persons
9 with Disabilities, the Department of Information and Technology and
10 the Office of Policy and Management, establish a state-wide electronic
11 database of information on the availability of dwelling units in the
12 state which are accessible to or adaptable for persons with disabilities.
13 Such database shall include such information as: (1) The location of,
14 the monthly rent for and the number of bedrooms in each such

15 dwelling unit, (2) the type of housing and neighborhood in which each
16 such dwelling unit is located, (3) the vacancy status of each such
17 dwelling unit, (4) if a unit is unavailable, the date such unit is expected
18 to become available, and (5) any feature of each such unit that makes it
19 accessible to or adaptable for persons with disabilities. To the extent
20 feasible, the Commissioner of Economic and Community Development
21 shall use information from the computer-assisted mass appraisal
22 systems.

23 Sec. 502. Subdivision (2) of subsection (a) of section 10-261 of the
24 general statutes is repealed and the following is substituted in lieu
25 thereof (*Effective from passage*):

26 (2) "Average daily membership" means the number of all pupils of
27 the local or regional board of education enrolled in public schools at
28 the expense of such board of education on October first or the full
29 school day immediately preceding such date, provided the number so
30 obtained shall be decreased by the Department of Education for failure
31 to comply with the provisions of section 10-16 and shall be increased
32 by one one-hundred-eightieth for each full-time equivalent school day
33 of at least five hours of actual school work in excess of one hundred
34 eighty days and nine hundred hours of actual school work and be
35 increased by the full-time equivalent number of such pupils attending
36 the summer sessions immediately preceding such date at the expense
37 of such board of education; "enrolled" shall include pupils who are
38 scheduled for vacation on the above dates and who are expected to
39 return to school as scheduled. Pupils participating in the program
40 established pursuant to section 10-266aa shall be counted in
41 accordance with the provisions of subsection [(g)] (h) of section 10-
42 266aa.

43 Sec. 503. Subdivision (22) of section 10-262f of the general statutes is
44 repealed and the following is substituted in lieu thereof (*Effective from*
45 *passage*):

46 (22) "Resident students" means the number of pupils of the town

47 enrolled in public schools at the expense of the town on October first
48 or the full school day immediately preceding such date, provided the
49 number shall be decreased by the Department of Education for failure
50 to comply with the provisions of section 10-16 and shall be increased
51 by one-one-hundred-eightieth for each full-time equivalent school day
52 in the school year immediately preceding such date of at least five
53 hours of actual school work in excess of one hundred eighty days and
54 nine hundred hours of actual school work and be increased by the full-
55 time equivalent number of such pupils attending the summer sessions
56 immediately preceding such date at the expense of the town; "enrolled"
57 shall include pupils who are scheduled for vacation on the above date
58 and who are expected to return to school as scheduled. Pupils
59 participating in the program established pursuant to section 10-266aa
60 shall be counted in accordance with the provisions of subsection [(g)]
61 (h) of section 10-266aa.

62 Sec. 504. Subsection (a) of section 10-266p of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective from*
64 *passage*):

65 (a) The State Board of Education shall administer a priority school
66 district grant program to assist certain school districts to improve
67 student achievement and enhance educational opportunities. The
68 grant program shall include the priority school district portions of the
69 grant programs established pursuant to sections 10-16p, 10-265f, 10-
70 265m and 10-266t. The grant program and its component parts shall be
71 for school districts in (1) the eight towns in the state with the largest
72 population, based on the most recent federal decennial census, (2)
73 towns which rank for the first fiscal year of each biennium from one to
74 eleven when all towns are ranked in descending order from one to one
75 hundred sixty-nine based on the number of children under the
76 temporary family assistance program, as defined in subdivision (17) of
77 section 10-262f, plus the mastery count of the town, as defined in
78 subdivision [(9)] (13) of said section, and (3) towns which rank for the
79 first fiscal year of each biennium one to eleven when all towns are
80 ranked in descending order from one to one hundred sixty-nine based

81 on the ratio of the number of children under the temporary family
82 assistance program as so defined to the resident students of such town,
83 as defined in subdivision [(19)] (22) of said section, plus the grant
84 mastery percentage of the town, as defined in subdivision [(8)] (12) of
85 said section. The State Board of Education shall utilize the categorical
86 grant program established under this section and sections 10-266q and
87 10-266r and other educational resources of the state to work
88 cooperatively with such school districts during any school year to
89 improve their educational programs or to provide early childhood
90 education or early reading intervention programs. The component
91 parts of the grant shall be allocated according to the provisions of
92 sections 10-16p, 10-265f, 10-265m and 10-266t. Subject to the provisions
93 of subsection (c) of section 10-276a, the State Board of Education shall
94 allocate one million dollars to each of the eight towns described in
95 subdivision (1) of this subsection and five hundred thousand dollars to
96 each of the towns described in subdivisions (2) and (3) of this
97 subsection, except the towns described in subdivision (1) of this
98 subsection shall not receive any additional allocation if they are also
99 described in subdivision (2) or (3) of this subsection.

100 Sec. 505. Section 10a-251 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective from passage*):

102 It is hereby found and determined that the John Dempsey Hospital
103 [and the Uncas-on-Thames Hospital] of The University of Connecticut
104 Health Center [are vital resources] is a vital resource of The University
105 of Connecticut and the state and [are] is essential as a clinical
106 [resources] resource for the teaching and research programs of the
107 schools of medicine and dental medicine of The University of
108 Connecticut and as [providers] a provider of comprehensive health
109 care and treatment within the state and the region. It is further found
110 and determined that the financial and procedural restrictions that are
111 applicable to the John Dempsey Hospital [and Uncas-on-Thames
112 Hospital impede them] impedes it from providing hospital services at
113 as low a cost as other hospitals in the state, and that it is imperative
114 that the John Dempsey Hospital [and Uncas-on-Thames Hospital] be

115 permitted to operate efficiently and effectively to provide health care
116 services. It is hereby declared to be a public purpose for the benefit of
117 the people of the state of Connecticut to promote maximum flexibility
118 for the John Dempsey Hospital [and Uncas-on-Thames Hospital] to
119 continue to serve effectively as the teaching [hospitals] hospital of The
120 University of Connecticut and to provide lower cost health care
121 through the creation of The University of Connecticut Health Center
122 Finance Corporation and through the exercise by such corporation of
123 the functions, powers and duties as hereinafter provided and that the
124 exercise by such corporation of the functions, powers and duties
125 hereinafter provided constitutes the performance of an essential public
126 and governmental function. It is further declared that the John
127 Dempsey Hospital [, the Uncas-on-Thames Hospital] and The
128 University of Connecticut Health Center are ably served by their staffs
129 and that sections 10a-250 to 10a-263, inclusive, shall not be construed
130 as altering the integrity of present state employees' collective
131 bargaining units.

132 Sec. 506. Subdivision (2) of section 10a-252 of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective from*
134 *passage*):

135 (2) "Hospital" means the John Dempsey Hospital [, the Uncas-on-
136 Thames Hospital] and the clinical operations of the schools of medicine
137 and dental medicine of The University of Connecticut.

138 Sec. 507. Subsections (a), (b) and (c) of section 10a-253 of the general
139 statutes are repealed and the following is substituted in lieu thereof
140 (*Effective from passage*):

141 (a) There is created as a body politic and corporate, constituting a
142 public instrumentality and political subdivision of the state created for
143 the performance of an essential public function, The University of
144 Connecticut Health Center Finance Corporation which may exercise
145 the functions, powers and duties set forth in sections 10a-250 to 10a-
146 263, inclusive, to carry out the purposes set forth in said sections,

147 which are public purposes for which public funds may be expended.
148 Nothing contained herein shall diminish or impair the rights of
149 employees of the John Dempsey Hospital [, the Uncas-on-Thames
150 Hospital] or The University of Connecticut Health Center as
151 established under the general statutes including, but not limited to,
152 chapters 66 to 68, inclusive.

153 (b) The corporation shall be administered by a board of directors
154 consisting of five members as follows: The president of The University
155 of Connecticut, the executive vice president for health affairs of said
156 university and the Secretary of the Office of Policy and Management,
157 each serving ex-officio, and the chairman of the board of trustees of
158 said university if the Governor has appointed such chairman and if the
159 Governor has not appointed such chairman, a person appointed by the
160 Governor from among the Governor's appointees on the board of
161 trustees of said university, and the trustee of said university who is
162 chairman of [the health affairs committee of said board of trustees] The
163 University of Connecticut Health Center board of directors, established
164 pursuant to subsection (c) of section 10a-104, if the Governor has
165 appointed such trustee and if the Governor has not appointed such
166 trustee, a person appointed by the Governor from among the
167 Governor's appointees on the board of trustees of said university. The
168 terms of the directors who are members of the board of trustees of said
169 university shall be concurrent with their term on said board of
170 trustees. Each director may designate a deputy or any member of the
171 staff of such director to represent the director at meetings of the
172 corporation with full powers to act and vote on behalf of such director.
173 The Governor shall appoint a director to be chairman of the board of
174 directors of the corporation. Directors shall receive no compensation
175 but may be reimbursed for necessary expenses incurred in the
176 performance of their duties under sections 10a-250 to 10a-263,
177 inclusive. Any director may be removed by the Governor for
178 misfeasance, malfeasance or wilful neglect of duty. Each director of the
179 corporation before entering upon his duties shall take and subscribe
180 the oath or affirmation required by section 1 of article eleventh of the

181 State Constitution. A record of each such oath shall be filed in the
182 office of the Secretary of the State. Meetings of the corporation shall be
183 held at such times as shall be specified in the bylaws adopted by the
184 corporation and at such other time or times as the chairman deems
185 necessary. Within the first ninety days of each fiscal year, the
186 corporation shall report on its operations for the preceding fiscal year
187 to the Board of Trustees of The University of Connecticut. The report
188 shall include a summary of the activities of the corporation, a
189 statement of operations and, if necessary, recommendations for
190 legislation to promote the purposes of the corporation. The accounts of
191 the corporation shall be subject to audit by the state Auditors of Public
192 Accounts. The corporation shall have certified public accountants audit
193 its books and accounts at least once each fiscal year. The powers of the
194 corporation shall be vested in and exercised by not less than three of
195 the members of the corporation. Such number of members shall
196 constitute a quorum. The affirmative vote of a majority of the members
197 present at a meeting of the corporation shall be necessary for any
198 action taken by the corporation. No vacancy of one or two members of
199 the corporation shall impair the right to exercise all the rights and
200 perform all the duties of the corporation. Any action taken by the
201 corporation under the provisions of sections 10a-250 to 10a-263,
202 inclusive, may be authorized by resolution at any regular or special
203 meeting, and each such resolution shall take effect immediately and
204 need not be published or posted. The corporation may delegate to one
205 or more of its members, or its officers, agents and employees,
206 including employees of The University of Connecticut, such of its
207 powers and duties as it may deem proper. The board of directors shall
208 select one of its members to serve as president of the corporation and
209 to act as its chief executive officer.

210 (c) The board of directors of the corporation shall appoint an
211 executive director who shall not be a member of the corporation, who
212 shall serve at the pleasure of the corporation and who shall receive
213 such compensation as shall be fixed by the corporation. The executive
214 director shall be a state employee, including an employee of the John

215 Dempsey Hospital, [or the Uncas-on-Thames Hospital,] and may
216 receive such additional compensation as may be authorized by the
217 Board of Trustees of The University of Connecticut and the board of
218 directors of the corporation. The executive director shall be the chief
219 administrative officer of the corporation and shall direct and supervise
220 administrative affairs and technical activities in accordance with the
221 directives of the corporation under the supervision of the president of
222 the corporation. The executive director shall attend all meetings of the
223 corporation, keep a record of the proceedings of the corporation and
224 shall maintain and be custodian of all books, documents and papers
225 filed with the corporation and of the minute book or journal of the
226 corporation and of its official seal. The executive director may cause
227 copies to be made of all minutes and other records and documents of
228 the corporation and may give certificates under the official seal of the
229 corporation to the effect that such copies are true copies. All persons
230 dealing with the corporation may rely upon such certificates. The
231 executive director shall perform such other duties as may be directed
232 by the corporation in carrying out the purposes of sections 10a-250 to
233 10a-263, inclusive.

234 Sec. 508. Subsection (b) of section 17a-125 of the general statutes is
235 repealed and the following is substituted in lieu thereof (*Effective from*
236 *passage*):

237 (b) The advisory council shall consist of (1) the chairpersons and
238 ranking members of the joint standing committees of the General
239 Assembly having cognizance of matters relating to human services and
240 the judiciary and the select committee [on] of the General Assembly
241 having cognizance of matters relating to children, or their designees;
242 (2) the Child Advocate, or [his] the Child Advocate's designee; (3) a
243 private sector children's advocate, appointed by the Governor; (4) a
244 nonprofit provider of group home or transitional living services for
245 adolescents, appointed by the speaker of the House of Representatives;
246 (5) a nonprofit children's residential treatment provider, appointed by
247 the president pro tempore of the Senate; (6) a representative of a
248 licensed child placing agency providing therapeutic or professional

249 foster care services, appointed by the majority leader of the Senate; (7)
250 a nonprofit emergency shelter provider, appointed by the minority
251 leader of the Senate; (8) a provider of inpatient psychiatric services,
252 appointed by the majority leader of the House of Representatives; (9) a
253 foster parent, appointed by the minority leader of the House of
254 Representatives; (10) one representative of a local youth services
255 agency or police youth division, appointed by the speaker of the
256 House of Representatives; (11) one provider of behavioral health
257 services for children and youth, appointed by the president pro
258 tempore of the Senate; (12) two parents, parent advocates, or recipients
259 or former recipients of department residential services, one appointed
260 by the majority leader of the Senate and one appointed by the majority
261 leader of the House of Representatives; (13) the [Director] director of
262 the Office of Protection and Advocacy for Persons with Disabilities, or
263 [his] the director's designee; (14) four employees of the Department of
264 Children and Families, one from the Residential Placement Team, one
265 from the Office of Child Welfare Services, one from the Office of
266 Juvenile Justice Services, and one from the Office of Mental Health,
267 Substance Abuse and Health Services, each of whom shall be
268 appointed by the commissioner; (15) one employee of the judicial
269 branch having experience in matters relating to juveniles, appointed by
270 the Chief Court Administrator; (16) the Commissioner of Mental
271 Health and Addiction Services, or [his] the commissioner's designee;
272 (17) the Commissioner of Education, or [his] the commissioner's
273 designee; and (18) the Commissioner of Mental Retardation, or [his]
274 the commissioner's designee.

275 Sec. 509. Subsection (c) of section 17a-274 of the general statutes is
276 repealed and the following is substituted in lieu thereof (*Effective from*
277 *passage*):

278 (c) Immediately upon the filing of the application, the Probate Court
279 shall assign a time, date and place for a hearing, such hearing to be
280 held not later than thirty business days from the date of receipt of the
281 application. The court shall give notice of the hearing to the
282 respondent, [his] the respondent's guardian or conservator, [his] the

283 respondent's spouse or, if none, [his] the respondent's children or, if
284 none, [his] the respondent's parents or, if none, [his] the respondent's
285 siblings, the Commissioner of Mental Retardation, the [office of
286 protection and advocacy] director of the Office of Protection and
287 Advocacy for Persons with Disabilities, and any other person who has
288 shown an interest in the respondent.

289 Sec. 510. Subsection (c) of section 19a-127n of the general statutes is
290 repealed and the following is substituted in lieu thereof (*Effective from*
291 *passage*):

292 (c) On and after October 1, 2002, a hospital or outpatient surgical
293 facility shall report to the Department of Public Health on Class A, B
294 and C adverse events as follows: (1) A verbal report shall be made not
295 later than twenty-four hours after the adverse event occurred; (2) a
296 written report shall be submitted not later than seventy-two hours
297 after the adverse event occurred; and (3) a corrective action plan shall
298 be filed not later than seven days after the adverse event occurred.

299 Sec. 511. Subsection (c) of section 19a-535 of the general statutes is
300 repealed and the following is substituted in lieu thereof (*Effective from*
301 *passage*):

302 (c) Before effecting a transfer or discharge of a patient from the
303 facility, the facility shall notify, in writing, the patient and the patient's
304 guardian or conservator, if any, or legally liable relative or other
305 responsible party if known, of the proposed transfer or discharge, the
306 reasons therefor, [its] the effective date of the proposed transfer or
307 discharge, the location to which the patient is to be transferred or
308 discharged, the right to appeal the proposed transfer or discharge and
309 the procedures for initiating such an appeal as determined by the
310 Department of Social Services, the date by which an appeal must be
311 initiated in order to stay the proposed transfer or discharge, which
312 date shall be ten days from the receipt of the notice from the facility,
313 that the patient may represent himself or herself or be represented by
314 legal counsel, a relative, a friend or other spokesman, and information

315 as to bed hold and hospital readmission policy when appropriate. The
316 notice shall also include the name, mailing address and telephone
317 number of the State Long-Term Care Ombudsman. If the patient is, or
318 the facility alleges a patient is, mentally ill or developmentally
319 disabled, the notice shall include the name, mailing address and
320 telephone number of the Office of Protection and Advocacy for
321 Persons with Disabilities. The notice shall be given at least thirty days
322 and no more than sixty days prior to the patient's transfer or discharge,
323 except where the health or safety of individuals in the facility are
324 endangered, or where the patient's health improves sufficiently to
325 allow a more immediate transfer or discharge, or where immediate
326 transfer or discharge is necessitated by urgent medical needs or where
327 a patient has not resided in the facility for thirty days, in which cases
328 notice shall be given as many days before the transfer or discharge as
329 practicable.

330 Sec. 512. Subsection (b) of section 45a-682 of the general statutes is
331 repealed and the following is substituted in lieu thereof (*Effective from*
332 *passage*):

333 (b) Immediately upon receipt of the application, the court shall
334 order such notice of the application and the date and time of hearing as
335 it may direct to the respondent, [his] the respondent's parents or
336 spouse, if any, and to the [office of protection and advocacy] Office of
337 Protection and Advocacy for Persons with Disabilities. A hearing shall
338 be held promptly, taking into consideration the condition of the
339 respondent. If, after hearing, the court finds that the respondent by
340 reason of the severity of [his] the respondent's mental retardation is
341 incapable of giving informed consent to such procedure, and that the
342 respondent will suffer deterioration of [his] the respondent's physical
343 or mental health or serious discomfort if such procedure [and/or] or
344 treatment, or both, is not ordered, the court may appoint a temporary
345 limited guardian for the purpose of consenting to such procedure
346 [and/or] or treatment, or both. In making such appointment, the court
347 shall give preference to the parent, next of kin or other person whom
348 the court deems proper. The court may appoint the Commissioner of

349 Mental Retardation, or [his] the commissioner's designee, to serve in
350 such capacity if it is unable to find a suitable guardian. The
351 appointment shall not be valid for more than sixty days. A temporary
352 limited guardian shall be subject to all limitations set forth in section
353 45a-677.

354 Sec. 513. Subsection (b) of section 53 of public act 03-18 is repealed
355 and the following is substituted in lieu thereof (*Effective July 1, 2003*):

356 (b) Directors of a dissolved corporation which has disposed of
357 claims under section 33-1177 or 33-1178 of the general statutes, as
358 amended by [this act] public act 03-18, or section 52 of [this act] public
359 act 03-18 shall not be liable for breach of subsection (a) of this section
360 with respect to claims against the dissolved corporation that are barred
361 or satisfied under [sections] section 33-1177 or 33-1178 of the general
362 statutes, as amended by [this act] public act 03-18, or section 52 of [this
363 act] public act 03-18."